

REMARKS

This Amendment responds to the office action dated November 17, 2004.

Claims 1, 8, 15, 17 & 19-21 have been amended to more clearly show their existing distinctions from the prior art. The following remarks are given in relation to the amended claims.

The examiner has rejected claims 1-5, 8-10 & 17-20 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,552,813 (Yacoub). However, this rejection does not present a *prima facie* case of anticipation since Yacoub does not disclose key aspects of the claimed invention as claimed in claims the rejected claims. Claims 1-5, 8-10 & 17-20 all claim the element of detecting the status of a printer using a print processor or an equivalent element. This element is not disclosed in Yacoub. The examiner cites Yacoub (col. 11, lines 28-53) as disclosing this element, however, this element is not disclosed at this point or any other point within the reference. Yacoub, (col. 11, lines 28-53) describes a method of generating a print job (line 30), selecting print job parameters (lines 33-35) and communicating with a server to get the status of printers (lines 37-43). Yacoub does not, at any point, disclose the use of a *print processor* for printer status checking. The print processor is a specific print system component that, unlike a printer driver, is not printer specific. A print processor can be designed to work with many types of printers while a printer driver is specific to a single printer or limited printer group. Accordingly, the modified print processor described in claims 1-14 is a specific component that allows its functionality to be used across a spectrum of printers.

The print processor may also be implemented as a client device that may be implemented in a “server-less” system or outside the server in a server-based system. Yacoub teaches a server-based system. Figures 4 & 5 in Yacoub show a system with a server. The print processor systems and methods claimed in claims 1-5, 8-10 & 17-20 do not require the added expense and complexity of a server as disclosed in Yacoub and are, therefore, functionally distinct from the teachings of Yacoub. The print processor of the present invention described in claims 1-5, 8-10 & 17-20 is not equivalent to the virtual printer or server taught in Yacoub. Accordingly, claims 1-12, 14 & 15 are patentable as amended.

The examiner has also rejected claims 6-7 under 35 U.S.C. §103(a) as being unpatentable under U.S. Patent No. 6,552,813 (Yacoub) in view of U.S. Pat. Pub. No. 20040105122 (Schaeffer). This rejection also fails to present a *prima facie* case of obviousness because the cited references do not disclose the “print processor” element of the rejected claims. While Schaeffer discloses the use of SNMP to determine a printer status, these claims are still allowable for the reasons stated above in relation to elements in the independent claims on which these claims depend. Furthermore, Schaeffer discloses an enterprise server-based system that is very complex and expensive. In Schaeffer, a print queue uses a protocol to detect a printer status. Claims 6 & 7, as amended are directed to a simple client-based system that does not require the expense and complexity of the prior art cited.

The examiner has also rejected claims 11-14 under 35 U.S.C. §103(a) as being unpatentable under U.S. Patent No. 6,552,813 (Yacoub) in view of U.S. Pat. Pub. No. 20040105122 and further in view of U.S. Pat. Pub. No. 20040042042 (Utsunomiya).

This rejection also fails to present a *prima facie* case of obviousness for the reasons stated above in relation to the independent claims on which these rejected claims depend. Utsunomiya discloses a method of splitting a print job into parts and sending those parts to different printers, however, Utsunomiya does not disclose the use of a print processor to accomplish this task particularly in a system with no server for this function.

The examiner has also rejected claims 15-16 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,697,165 (Wakai).

This rejection also fails to present a *prima facie* case of anticipation as Wakai does not disclose any function that is performed by a print processor. The examiner cites Wakai (col. 22, lines 1-15) as disclosing the replacement of a non-status-detecting print processor with a status-detecting print processor, however, Wakai, at this location, makes no reference to a print processor of any kind. Wakai refers to substitution of alternative printers when a selected printer cannot be used. The print processors of the present invention are not printing devices, but specific print system components. Claims 15 & 16 have been amended to more clearly show that they exist as part of the client operating system and not a printing device. Accordingly, claims 15 & 16 should now be allowed in their amended form.

The examiner has also rejected claims 21-24 under 35 U.S.C. §102(e) as being anticipated by U.S. Pat. Pub. No. 20040042042 (Utsunomiya).

This rejection also fails to present a *prima facie* case of anticipation as Utsunomiya does not disclose any function that is performed by a print processor. Utsunomiya discloses a method for detecting printer status, but does not disclose this function being performed by a print processor without receiving information from a server. The methods claimed in claims 21-24

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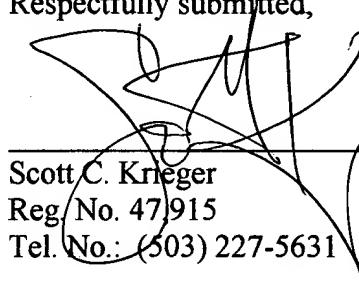
work on an efficient streamlined system that does not need the expense and complication of a server for printer status detection. Accordingly, Utsunomiya does not anticipate the invention as claimed in these claims.

The examiner has also rejected claims 25-26 under 35 U.S.C. §103(a) as being unpatentable under U.S. Pat. Pub. No. 20040042042 (Utsunomiya)) in view of U.S. Patent No. 6,552,813 (Yacoub).

This rejection also fails to present a *prima facie* case of obviousness for the reasons stated above in relation to the independent claims on which these rejected claims depend.

Based on the foregoing amendments and remarks, the Applicant respectfully requests reconsideration and allowance of the present application.

Respectfully submitted,



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